Human Rights Center “Viasna”

Human Rights Situation in Belarus: 2018

Analytical review

spring96.org

Summary:

- *despite a decline in the overall level of repression in the country compared to the previous year, in 2018, there were no systemic changes in the area of civil and political rights, especially at the legislative level, aimed at the qualitative improvement of the human rights situation in Belarus;*
- *by submitting a report to the UN Human Rights Committee on the implementation of the ICCPR over the last 20 years, Belarus completely paid of the debts to the UN treaty bodies. However, the government's refusal to implement the views adopted by the HRC on individual communications of Belarusian nationals, as well as other procedures, including interim measures, enforced by the Committee suggests Belarus's selective cooperation with the UN and a failure to fully implement the commitments voluntarily undertaken by the country in the field of human rights;*
- *despite the absence of significant socio-political events, the authorities continued the practice of politically motivated prosecution. According to the Human Rights Center "Viasna", in 2018, this type of repression was used against 18 people. 15 of them were charged in the so-called "BelTA case" opened under Part 2, Art. 349 of the Criminal Code (illegal access to computer information committed out of personal interest that caused significant damage) against a number of journalists and editors of several independent media; activists of the independent trade union REP, Henadz Fiadynich and Ihar Komlik, and director of the BelaPAN news agency Ales Lipai were charged under Part 2, Art. 243 of the Criminal Code (evasion of taxes on a large scale);*
- *during the year, criminal proceedings against 14 defendants in the "BelTA case" were terminated, and the defendants were prosecuted under administrative procedures. However, the criminal case under Part 2, Art. 425 of the Criminal Code (failure to act as an official) against chief editor of TUT.BY Maryna Zolatava was not closed. Henadz Fiadynich and Ihar Komlik were sentenced to 4 years of restraint of liberty without imprisonment without confiscation of property and the prohibition to hold managerial positions for the period of 5 years. The criminal case against Ales Lipai was closed in connection with his death;*
- *as of late 2018, political prisoner Mikhail Zhamchuzhny continued to serve his sentence in prison, facing ongoing harassment by the prison administration throughout the year;*
- *in 2018, the situation with the rights to personal integrity, freedom from torture, cruel, inhuman and degrading treatment did not significantly change;*
- *during the year, there were 184 documented cases of administrative convictions for participation in unsanctioned meetings involving 144 persons: 21 sentences of detention were imposed, and fines were handed down in 163 cases totaling 106,893.5 rubles;*
- *during the year, there were numerous cases of persecution of bloggers and journalists of independent media in connection with the exercise of their professional activities. According to the Human Rights Center "Viasna", 36 journalists were convicted in 132 cases of administrative persecution resulting in fines for cooperation with foreign media (with a total of 113,092 rubles). Changes in the Law on Mass Media, which entered into force, significantly restricted freedom of speech and imposed new restrictions on online publications;*

- *cases of pressure on human rights defenders in connection with the exercise of their human rights activities were documented;*
- *despite the continuation of the country's dialogues with the EU and the PACE on the issue of the death penalty and repeated calls for a moratorium on executions, during the year Belarus continued to use of this kind of punishment. In 2018, two new death sentences were handed down, and four previously convicted prisoners were executed;*
- *Belarus continued to demonstrate violations of the right to freedom of conscience and religion: religious communities still faced excessive requirements in registration; activities of religious communities without registration were prohibited; law excessively restricts the rights of believers and their associations operating without legal justification;*
- *in 2018, the authorities began the practical application of the provisions of the new version of Presidential Decree number 3 (as amended by Presidential Decree number 1 of 12 January, 2018). The newly created electronic database included information of more than 500,000 citizens who are "not employed in the economy." In 2019, these citizens will pay the full cost of certain types of utility bills (from February 1 — hot water, from October 1 — gas and heating). Among other things, local commissions formed to enforce the Decree were empowered to send citizens "leading an antisocial way of life" to the LTPs (labor and therapy profilactoria). The new version of the Decree triggered criticism from human rights and trade union organizations in the country;*
- *during the year, the authorities continued to use forced labor in forms that have become traditional for Belarus: isolation in the LTPs, "obliged persons", involvement, by the orders of local executive committees, of employees of state-owned enterprises and students in harvesting agricultural products, participating in unpaid cleanups, etc.*

I. POLITICALLY MOTIVATED PROSECUTIONS AND POLITICAL PRISONERS

In 2018, external political factors continued to influence the human rights situation in the country. The government's policies aiming at preserving the dialogue and improving relations with the EU and the United States, against the background of the Ukrainian-Russian crisis, which was intensified in recent years, forced the authorities to refrain from harsh forms of repression against civil society and the political opposition. However, the presence of repression themselves as such, in their different forms and manifestations, proves the government's continued policy of strict control over society in order to maintain "political stability."

Despite the fact that 2018 was not marked by any socially significant events that could affect the political situation (elections, mass protests, etc.), the authorities, however, continued the practice of politically motivated persecution, while political prisoners Mikhail Zhamchuzhny and Dzmitry Paliyenka were serving their sentences.

During the year, politically motivated prosecution affected a total of 18 persons, which is less than in 2017 (40), but more than in 2016 (7 persons). However, none of the 18 people who faced criminal charges was eventually punished by imprisonment. Most of the criminal cases were discontinued before trial and two persons were sentenced to punishment not involving deprivation of freedom (restriction of freedom); proceedings in one criminal case are still underway. This trend of 2018 resembles the situation observed in 2016.

The majority of those who were affected by politically motivated repression were the persons involved in the so-called “BelTA case”: 15 journalists and editors, including leading media resources, the news agency BelaPAN and the Internet portal TUT.BY.

The reason for initiating the criminal case was a statement by the state-owned information agency BelTA alleging illegal access and use of certain media content available in the agency’s paid service.

On August 7-9, the offices of TUT.BY, BelaPAN and other media outlets, as well as journalists’ apartments were searched, computers and other storage devices were seized. On August 7, the Investigative Committee of Belarus officially announced the opening of a criminal case under Part 2, Art. 349 of the Criminal Code (illegal access to computer information committed out of personal interest that caused significant damage).

TUT.BY chief editor Maryna Zolatava, editors Hanna Kaltyhina, Halina Ulasik and Hanna Yermachonak, BelaPAN chief editor Iryna Leushyna and columnist Tatsiana Karaviankova, Deutsche Welle correspondent Pauliuk Bykouski, editor of the Belorusy i Rynok website Aliaksei Zhukau, were arrested. All of them were held for three days in a temporary detention facility. After the release, most of the suspects were banned from leaving the country.

Particular media attention was sparked by a statement of TUT.by journalist Dzmitry Bobryk alleging threats and pressure on him. According to him, during his stay in the Investigative Committee, he was forced to sign a cooperation agreement under the threat of disclosure of sensitive information about his private life and threats to his family. Representatives of the Investigative Committee, however, denied their involvement in the incident.

The Human Rights Center “Viasna” criticized the authorities’ actions as excessive, disproportionate and violating freedom of expression and freedom of independent media. The journalists were publicly supported by the European Union, Council of Europe, the United States, as well as national and international human rights organizations.

On November 5, some of the journalists faced formal charges under Part 2, Art. 349 of the Criminal Code. This included foreign travel restrictions. Later, the criminal proceedings against fourteen defendants in the case were discontinued, and all of them faced administrative charges, instead.

At the same time, on November 22, TUT.BY chief editor Maryna Zolatava was charged under Part 2, Art. 425 of the Criminal Code (official inaction), which provides for imprisonment of up to five years. Thus, Zolatava is the only person charged in the “BelTA case”.

Of particular concern was the criminal persecution of the chairman of the independent trade union REP Henadz Fiadynich and chairman of the Minsk city organization and the union’s chief accountant Ihar Komlik.

The criminal case against the union activists was opened on August 2, 2017 under Part 2, Art. 243 of the Criminal Code (evasion of taxes on a large scale). The same day, Fiadynich was released, while Ihar Komlik was detained before trial. On August 10 and 11, both were formally charged. According to the Investigative Committee, Fiadynich and Komlik opened a bank account in Lithuania, to which in 2011 they received money from non-residents of Belarus with

a total amount of 140 thousand euros. According to the Financial Investigations Department of the State Control Committee, the sum of unpaid taxes amounted to 22,867.1 rubles.

On August 3, 2017, the leading human rights organizations of Belarus said that Ihar Komlik was a political prisoner and linked the persecution of the trade union leaders to their trade union activities and the active implementation of the right to freedom of association. Their arrest caused a significant international impact. The IndustriALL Global Alliance and the International Trade Union Confederation called on the Belarusian authorities to stop the persecution of Henadz Fiadynich and Ihar Komlik. In addition, a statement was made the Observatory for the Protection of Human Rights Defenders, a joint program of FIDH and the World Organization Against Torture (OMCT), also called on the Belarusian government to drop all charges against Ihar Komlik and stop the prosecution of the trade union leaders for their peaceful activities. A statement asking to drop all charges against Fiadynich and Komlik was made by the Swedish human rights organization Civil Rights Defenders.

On October 2, 2017, Ihar Komlik released from jail number 1 in Minsk after his pre-trial detention was replaced with own recognizance.

The trial in the REP case opened in the court of the Saviecki district of Minsk on July 30, 2018. Representatives of the Human Rights Center "Viasna" and FIDH monitored the court hearings.

On August 24, the trade union leaders were convicted under Part 2, Art. 243 of the Criminal Code (evasion of taxes on a large scale). Fiadynich and Komlik were sentenced to 4 years of restriction of liberty without imprisonment, without confiscation of property and the prohibition to hold managerial positions for the period of 5 years.

Belarusian human rights organization called on the authorities to revise the sentence and to terminate the criminal proceedings against the leaders of the independent trade union. Similar statements were made by a number of international human rights and trade union organizations.

On November 9, the Minsk City Court turned down appeals by Fiadynich and Komlik, upholding the judgment of the Saviecki District Court. Thus, the sentence came into legal force.

Monitoring of the trial revealed gross violations of fair trial standards, which, taken together, resulted in the illegal and politically motivated verdict.

In addition, the criminal proceedings against Fiadynich and Komlik once again clearly demonstrated the existing problem of NGOs' access to financing, including foreign. Absence of opportunities for legally obtaining such aid makes non-governmental organizations extremely vulnerable to the security forces, which can accuse virtually any independent non-governmental organization of the illegal receipt of foreign funds.

This aspect is of special interest to the KGB, which was earlier demonstrated in the criminal case of Ales Bialiatski. It is in order to obtain insider information about possible foreign funding that the KGB infiltrated an agent in the REP trade union.

In a similar case, the authorities prosecuted chief editor of the independent news agency BelaPAN Ales Lipai.

On the morning of June 14, Lipai's apartment was searched by employees of the State Control Committee's Department of Financial Investigations. After the search Ales Lipai was brought in for questioning, but soon released.

Later, the State Control Committee's website said that Ales Lipai was under criminal investigation under Part 2, Art. 243 of the Criminal Code (tax evasion on a large scale). Lipai was named a suspect in the criminal case and placed under house arrest. On August 23, 2018, Ales Lipai died and the criminal case was therefore closed.

We should particularly mention the situation of political prisoners.

In 2018, Belarusian prisons held two prisoners convicted in politically motivated trials, the founder of the human rights organization "Platform" Mikhail Zhamchuzhny and social activist Dzmitry Paliyenka (called a prisoner of conscience by Amnesty International).

It should be noted that the EU did not officially acknowledge the existence of political prisoners in Belarus, despite the position of the Belarusian human rights community and international human rights organizations (Amnesty international in the case of Paliyenka, in particular). At the same time, during the year, the European Parliament twice adopted resolutions on the human rights situation in Belarus, which indicated Zhamchuzhny and Paliyenka as political prisoners.

On July 17, 2018, the representatives of the Human Rights Center "Viasna" and 10 other human rights organizations wrote to President Lukashenka asking to pardon Mikhail Zhamchuzhny.

The Presidential Administration examined the appeal and said that the issue could only be considered at the prisoner's personal request. Given the existing practice of political prisoners being often released by the President's order without any personal requests, the response indicates an unwillingness of the Presidential Administration to release political prisoners at the moment.

On October 24, Dzmitry Paliyenka was released after completing his imprisonment in penal colony number 2 in Babrujsk.

Thus, at the end of the year, the country had only one political prisoner — Michael Zhamchuzhny. In the course of the year, he was repeatedly subjected to pressure from the prison administration, including through multiple penalties involving solitary confinement.

II. THE SITUATION OF HUMAN RIGHTS DEFENDERS

Despite the fact that in 2018 the country did not witness any significant domestic events, there were several cases of harassment or putting pressure on human rights defenders in connection with their human rights activities. In many cases, this pressure affected members of the Human Rights Center "Viasna".

On March 25, riot policemen detained seven observers of the joint monitoring service of the Human Rights Center "Viasna" and the Belarusian Helsinki Committee, as they were monitoring an unauthorized protest in central Minsk on March 25. The monitors, Maksim Kavaliou, Tatsiana Mastykina, Andrus Krechka, Hanna Sakhankova and Nasta Loika, were taken to the Saviecki district police department of Minsk. Another observer, Anastasiya Vasilchuk, was taken to the Pieršamajski district police department, but was soon released without a charge. The six

observers were charged under Art. 23.34 of the Administrative Code (violation of the order of organizing and holding mass events), and Tatsiana Mastykina faced an additional charge under Art. 23.4 of the Administrative Code (disobedience to lawful demands of a police officer). In addition, police officers used violence against the observer after she justifiably refused to undergo fingerprinting. It is worth noting that all observers were clearly marked: they were wearing blue vests with the word “Observer” on the back and badges with photos, names and an indication of the organization that delegated them to monitor the meeting.

All the detained observers were eventually released under the obligation to appear in the court of the Saviecki district of Minsk on March 26, where they were told that the court hearing had not yet been scheduled. Later, the administrative proceedings were terminated due to the expiration of the statute of limitations. However, the observers’ complaints were turned down by the Prosecutor's Office, as it allegedly found no grounds for legal response. The authorities also refused to open a criminal investigation into the illegal use of physical force and unlawful fingerprinting against Viasna observer Tatsiana Mastykina.

The Investigative Committee failed to find grounds for opening a criminal case against riot policemen, who caused injury to the lawyer of the HRC "Viasna" Aliaksei Loika during a raid on the office of the HRC "Viasna" on March 25, 2017.

One of the most resonant cases of harassment of members of the Human Rights Center "Viasna" was an investigation against Ales Burakou. On November 8, Ales Burakou, a member of the HRC "Viasna" in Mahilioŭ, was summoned for interrogation by an employee of the Kastryčnicki district police department. The police officer said that the activist was suspected of illegal organization of activity of a public association, religious organization or foundation or participation in their activities, since, according to him, Burakou administered the website “Human Rights in Mahilioŭ”, a resource affiliated with the Human Rights Center "Viasna", which, in turn, operates without state registration. According to the police officer, the probe was launched on October 8.

Ales Burakou later wrote to the district police department asking to provide information about the probe and the related files in case the investigation was completed. On December 5, head of the District Department of Internal Affairs confirmed the fact that Burakou was under investigation since October 8 “into the possible implementation of the administration and content management on the online portal mspring.online, which is a regional structure of the unregistered organization Human Rights Center "Viasna". In addition, the reply said that the probe was suspended until results of the examination were received.

In this regard, the Human Rights Center "Viasna" and the Observatory for the Protection of Human Rights Defenders issued a statement condemning the actions of the authorities in relation to a member of the Human Rights Center "Viasna" Ales Burakou and demanding an immediate cease of the proceedings in the criminal process.

It should be noted that the pressure on Ales Burakou in connection with his activities on behalf of the unregistered Human Rights Center "Viasna" was carried out against the backdrop of repeated and widely announced process of decriminalizing activities on behalf of unregistered organizations and the introduction of administrative responsibility for the offense.

During the year, there were also a number of documented cases of administrative prosecution of human rights defenders who monitored peaceful assemblies for allegedly participating in unauthorized meetings.

In particular, on September 15, human rights activist, representative of the HRC "Viasna" in Svietlahorsk Alena Masliukova received a written warning from the public prosecutor. District prosecutor Yauseyenka warned her about possible responsibility for violation of the law on mass events, considering that Masliukova organized an unauthorized mass event on September 15, in which local activists protested the construction of a bleached pulp plant. On October 9, after three hearings, Alena Masliukova was fined 612.50 rubles.

On October 1, the Observatory for the Protection of Human Rights Defenders issued an urgent appeal asking to drop all charges against activists in Svietlahorsk.

A similar situation occurred with the human rights activist Raman Kisliak in Brest. The Observatory for the Protection of Human Rights Defenders also called on the Belarusian authorities to put an end to all forms of harassment, including at the judicial level, against Raman Kisliak.

On November 23, the Svislač District Court ruled to fine Viktar Sazonau, Viasna activist in Hrodna, 367.5 rubles under Art. 23.34 of the Administrative Code (participation in an unauthorized mass event).

On October 27, activists gathered in Svislač to commemorate the participants of the 1863 anti-Russian uprising. Viktar Sazonau was present at the event as an observer, monitoring the actions of the authorities and security forces, as in recent years, participants of similar memorial rallies have faced judicial harassment.

In general, the year was marked by the authorities' slight departure from the rigid confrontation in respect to the HRC "Viasna".

Earlier, Deputy Foreign Minister Valiantsin Rybakou publicly stated that representatives of the Human Rights Center "Viasna" would never, in any capacity, either in private or as representatives of the organization, participate in events involving the Foreign Ministry. However, during 2018, Viasna representatives several times participated in events organized by the Foreign Ministry and other government bodies.

Since April 20, the organization's representative, lawyer Pavel Sapelka took part in the expert consultations "The practice of interaction with the human rights treaty bodies on." The event was organized by the Ministry of Foreign Affairs in cooperation with the UN Office in Belarus and was carried out in the framework of the Inter-Ministerial Plan for the implementation of the recommendations accepted by Belarus on the basis of its passage of the second cycle of the Universal Periodic Review at the UN Human Rights Council, and the recommendations addressed to the State by the human rights treaty bodies.

On April 18, representatives of the organization, lawyer Pavel Sapelka and coordinator of the campaign "Human Rights Defenders against the Death Penalty" Andrei Paluda, took part in a round table discussion on the issue of the death penalty organized by the working group on capital punishment of the National Assembly, together with the Council of Europe.

On March 6, Valiantsin Stefanovich took part in an extended meeting of the working group of the House of Representatives on finalizing the draft law “On introduction of changes and amendments to some laws on mass events.” Besides several MPs, the meeting was attended by representatives of the National Center of Legislation and Legal Studies, employees of the Interior Ministry and the Foreign Ministry, as well as representatives of several organizations, both independent and pro-government ones.

Considering this as a positive trend in the establishment of cooperation between the state and civil society organizations, however, it should be noted that the authorities still fail to make a full use of the potential of such relationships, in particular, by not involving public organizations and experts in the development and adoption of documents and solutions.

In general, the problem of absence of state registration of the HRC "Viasna" remained unsolved in the course of the year, just like in the previous 15 years since its dissolution by the Supreme Court. The lack of any real progress in the field of freedom of association, as before, made the process of registration extremely predictable.

Thus, during 2018, the interaction of human rights defenders with the state was not systematic and permanent. The authorities failed to establish any permanent dialogue platforms, as well as a national human rights institution. The so-called National Human Rights Plan failed to become a platform of interaction between the government and the human rights community.

III. RIGHT TO LIFE. THE DEATH PENALTY

In 2018, human rights defenders observed contradictory developments related to the issue of the death penalty in the country. On the one hand, the government continued active engagement and dialogue with the EU and the Council of Europe on the application of this type of punishment, including several round table discussions with participation of representatives of government agencies, MPs, local authorities, public organizations, foreign experts, but, on the other hand, it continued to use the death penalty in practice.

Government representatives continued to insist that the abolition of the death penalty or a moratorium on executions depends on public support of the step. Due to the fact that the slim majority of the population currently supports the death penalty, and earlier the majority supported it in a national referendum in 1996, officials said that the abolition was impossible. The authorities do not rule out the possibility of abolishing the death penalty or a moratorium at some point in the future.

The parliamentary group on the issue of the death penalty continued its work in 2018. However, as before, there was no broad public debate on the topic, as it is virtually absent in the state print and electronic media.

Two death sentences were handed down in 2018 and four earlier verdicts were executed. On January 20, 2018, the Minsk City Court sentenced Viachaslau Sukharko and Aliaksandr Zhylnikau to death after a retrial. The initial sentence was objected by all parties. Appeals were submitted by the defendants, their lawyers and the victims’ relatives. An appeal against the “lenient” verdict was filed by the Prosecutor's Office, despite the fact that Sukharko and Zhylnikau had been sentenced to the highest possible non-lethal measure of punishment — life imprisonment.

On July 14, 2017, the Supreme Court sent the case for retrial to the court of first instance with the new members of the judicial board, thus determining in advance that both Sukharko and Zhylnikau would be inevitably sentenced to death.

On May 29, 2018, the Supreme Court dismissed Zhylnikau's appeal and the death sentence came into legal force. It was during the consideration of the appeal that the public learned about the execution of Aliaksei Mikhalenia and Viktar Liotau. This was reported by Viachaslau Sukharko. According to him, he shared a cell with the two prisoners, and on the night of May 15 to 16, both taken out of the cell and never returned. Later, this information was confirmed by other credible sources. Media publications about the executions were not refuted by the authorities.

This situation once again mainstreamed the problem of secrecy surrounding the death penalty in Belarus.

Two more death row prisoners, Siamion Berazhnoy and Ihar Hershankou, were executed on the night of November 19 to 20.

Separately, it is worth noting that Mikhalenia, Hershankou and Berazhnoy were executed in spite of the registration of their individual complaint by the UN Human Rights Committee. The Committee launched urgent protection measures with regard to the convicts, requesting that the State should not execute them while their communications were under consideration. Thus, Belarus continued the practice of ignoring the Committee's procedures. Belarusian human rights activists and experts of the Committee view the fact as a violation by the Republic of Belarus of its international obligations arising from the First Optional Protocol to the International Covenant on Civil and Political Rights, a treaty ratified by Belarus.

The EU and the Council of Europe condemned the new executions in Belarus and urged the country's leaders to introduce a moratorium on the death penalty as a first step towards its complete abolition.

The initiative "Human Rights Defenders against the Death Penalty in Belarus" continued to campaign for the abolition of this form of punishment. In 2018, representatives of the campaign held a series of activities within the traditional annual Week against the Death Penalty.

IV. RESTRICTIONS ON FREEDOM OF PEACEFUL ASSEMBLY

In 2018, the authorities continued the practice of arbitrary restrictions on freedom of peaceful assembly. The process of obtaining permission to hold public events (including pickets, classified as such by the law "On Mass Events") is still fraught with excessive demands: the organizers must sign contracts and pay the maintenance of public order, health care and cleaning of the territory after the event, the conclusion of these agreements does not guarantee the authorization of the event.

The amendments to the law of July 17 (scheduled to come into force on January 26, 2019) made it possible to organize mass events under a notification-based procedure in the so-called "permanent locations" defined by the local executive and administrative bodies. However, these changes, announced by the authorities as developed based on international experience and opinion of civil society organizations, failed to fundamentally change the assessment of the

Act. The organizers of a peaceful assembly continue to face excessive demands, including related expenses; the “permanent locations” for holding mass events are often inconvenient or even inconsistent with specific activities. The Act failed to address the issue of organizing spontaneous peaceful assemblies, concurrent and counter assemblies, the presumption in favor of the assembly organizer, fulfillment of the State's positive obligations to protect and promote this right, and a number of other issues.

At the same time, the authorities continue the practice of repression against the organizers and participants of peaceful assemblies. Human rights defenders reported a wide range of events and activities that were affected by the sanctions of Article 23.34 of the Administrative Code (violation of the order of organizing or holding mass events): participation in peaceful assemblies and pickets, their organization, posting of photos on social media, calls for holding a peaceful assembly before obtaining permission and the announcement of these events, dissemination of handouts, meetings of citizens united by common interests, flash mobs, theatrical and artistic events, administering religious rites outside specialized buildings.

On March 25, Minsk hosted Freedom Day celebrations. In 2017, similar events triggered large-scale repression against peaceful protesters, including involving riot police and non-lethal weapons to disperse street demonstrations. In 2018, the celebration of Freedom Day in a permitted place, in the city center near the Opera and Ballet House, was not marred by incidents. However, any allegedly illegal or unauthorized actions outside the location were harshly suppressed by police. These included public displaying of the opposition white-red-white flag. Protesters gathered in an alternative place on Yakub Kolas Square were violently detained.

A special place among the street rallies of 2018 is occupied by a protest against the opening and operation of the entertainment complex “Poedem, Poedim”, which is located next to the site of mass executions in Kurapaty. The authorities did not disperse the picketers. However, they did not implement their positive obligation to protect freedom of peaceful assembly, resulting in several incidents involving protesters and visitors. The protesters were regularly subjected to detentions, arrests and fines.

Since February 25, activist organized weekly pickets on Lenin Square in Brest to protest the construction of a battery plant, which may become a threat to environmental safety in the region. The silent protests were attended by several hundred people; active participants were detained and subjected to administrative penalties.

According to the Human Rights Center "Viasna", in 2018, charges under Article 23.34 of the Administrative Code were used to impose 157 decisions against 119 persons. Of these, 13 persons were sentenced to administrative detention in 18 documented cases. In addition, for the exercise of the right to peaceful assembly and expression 25 street protesters were prosecuted under Article 23.4 of the Administrative Code (disobedience to a lawful request of an official) in 27 reported cases, three of them served terms in detention.

Thus, exercising the right to peaceful assembly, freedom of opinion and expression in street protests resulted in administrative penalties for 144 people in 184 documented cases of repression.

According to the Interior Ministry, in the first 9 months of 2018, 156 people were convicted under Article 23.34 of the Administrative Code. In 2017, there were 693 similar rulings, according to the Ministry.

V. VIOLATIONS OF FREEDOM OF EXPRESSION

Over the past year, the situation with freedom of expression in Belarus deteriorated significantly.

On December 1, the unpopular changes to the media law entered into legal force, which infringe, among other things, on freedom of opinion: the owners of Internet resources are now required to identify users who post messages or leave your comments. This significantly limits the freedom of speech, as denying online anonymity under current conditions in Belarus narrows the possibilities to express unpopular opinions, to criticize the current government, or to speak in favor of or on behalf of stigmatized groups or minorities.

There were more cases of the use of sanctions under Art. 17.11 of the Code of Administrative Offenses (distribution, manufacture, storage and transportation of information products containing calls to extremist activity or promoting such activity) in order to suppress dissent and dissemination of alternative political views. The Human Rights Center "Viasna" documented 6 cases of administrative prosecution for the storage, display or distribution (including via the Internet) of information products, the dissemination of which cannot be limited by permissible grounds.

In particular, back in 2016, the authorities blacklisted the website revbel.org as featuring extremist content (in subsequent years, reposts from the site were added to the list). As a result, reposting publications, including, without signs of extremism, for example, covering the protests against the “parasite tax”, on the site became an offense.

We particularly note the cases of bringing to administrative responsibility for the distribution of information products, which feature prohibited symbols, e.g. swastikas, used in the drawings or information content of anti-Nazi groups (three known cases).

Thus, without denying the right of the state to control and restrict the acceptable limits of expression, we should state facts of abusing this right to restrict freedom of opinion and dissemination.

Still, contrary to common sense, the Law on Mass Events views one-person pickets, which are a form of expression, as public events; these picketers face the same complex and expensive requirements as the organizers of meetings and demonstrations. In case of violation of these requirements, the picket participants are held liable and are subjected to fines or detention.

VI. RESTRICTIONS ON FREEDOM OF INFORMATION, PROSECUTION OF JOURNALISTS

The year of 2018 saw the preservation of earlier practices of repression against independent media, journalists and bloggers.

On January 24, a popular independent news aggregator, “Charter 97” (charter97.org, charter.eu, charter.info), was entered in the restricted access list for Internet service providers, which means its blocking on the territory of Belarus.

Representatives of the foreign media who have no accreditation in Belarus, as well as independent journalists, whose materials are used by the media were still subjected to repression. The Human Rights Center "Viasna" documented 131 facts of arbitrary bringing to administrative responsibility involving 36 journalists and bloggers under Part 2, Art. 22.9 of the Administrative Code; the total amount of fines during the year amounted to 113,092 rubles, which is 1.6 times more than in the previous year.

In Brest, bloggers Siarhei Piatrukhin and Aliaksandr Kabanau were regularly detained and fined for the coverage of weekly protests against the construction of an environmentally hazardous battery plant.

VII. TORTURE AND CRUEL, INHUMAN, DEGRADING TREATMENT

Criminal law of Belarus does not directly criminalize torture and other prohibited forms of treatment; torture and prohibited treatment are rarely investigated and usually end with a statement of lack of evidence of such ill-treatment. Officials suspected of prohibited treatment are never suspended for the period of investigations.

Lack of public oversight institutions, informed distrust of law enforcement agencies and courts contribute to the high latency of any kind of violent manifestations.

In particular, during the consideration of appeals by death convicts Ihar Hershankou and Siamion Berazhnoy the defendants reported use of torture forcing them to incriminate themselves and other defendants, however, the Supreme Court left the reports unattended; all subsequent attempts to initiate investigations remained unsuccessful. Shortly before the execution, however, a probe was carried out, but no criminal proceedings were instituted against the police officers; Berazhnoy's appeal against the decision remained pending — he was executed.

The Prosecutor General's Office resumed the investigation into the death of prison inmate Aleh Bahdanau. According to the victim's mother and the human rights defenders, the death of the disabled person in custody following a heart surgery was caused by improper medical care.

The Human Rights Center "Viasna" launched a project #BezPravaNaRaspravu (No Right to Violence) to collect evidence of violence committed by the authorities; several complaints were filed demanding justice for the perpetrators.

VIII. VIOLATIONS OF FREEDOM OF ASSOCIATION

In December, the House of Representatives of the National Assembly approved in the second reading a draft bill amending the Criminal Code, aimed to decriminalize illegal NGO membership and leadership. Over the thirteen years, the rule has been harshly criticized by human rights activists as violating freedom of association. The criminal charge, however, is expected to be replaced with administrative responsibility punishable by heavy large fines, which, in turn, would violate this right.

The predictable results of attempts to obtain state registration made some political parties and groups to search for alternative forms of existence. In particular, the party of the Belarusian Christian Democracy, which in April received its seventh ban on registration, positioned itself as an organizing committee, while some civil society organizations were registered as non-profit

institutions, which, however, considerably limits their rights (e.g., the right to nominate observers in elections or representatives to public monitoring commissions).

IX. FREEDOM OF CONSCIENCE AND RELIGION

In 2018, Belarus preserved the typical problems of freedom of conscience and religion. The activity of religious organizations still required state registration; association of believers had different rights depending on the type of the association; the authorities retained restrictions on religious practices outside religious buildings; foreign nationals were still significantly limited in their rights in the field of religion.

Communities of believers faced problems with registration. For example, the Minsk-based Pentecostal church “Thy Will Be Done” has been unable to register for two years already, as the authorities set excessive, in comparison with the generally accepted international standards, conditions for the group’s activities. Ten communities of Jehovah’s Witnesses were unable to obtain registration; the Barysaŭ community made 16 attempts in twenty years, the community in Viliejka received six bans in 2017 alone.

Believers can be fined for distributing religious literature and singing religious hymns, reading religious texts outside of worship buildings; for the same actions, communities may face dissolution.

X. VIOLATIONS OF SOCIAL AND ECONOMIC RIGHTS

During the year, the country saw the transformation of the controversial Presidential Decree number 3 “On the Prevention of Social Dependency”, which caused discontent and mass protests in the spring of 2017, to Presidential Decree number 1 of January 12, 2018. Decree number 3 underwent a number of significant changes. The main purpose of the Decree, as a result of these changes, was “enhanced assistance in employment, promoting employment, implementation of measures aimed at re-socialization of persons engaged in antisocial lifestyle.”

The authorities took into account the shortcomings of the previous version of the Decree, and rejected the idea of direct collection of penalties from persons “not involved in the economy”, as well as the idea of bringing such persons to administrative responsibility involving detention and mandatory assignment to work in the event of a failure to pay the decreed fees.

The new version of the Decree orders unemployed persons to pay the full cost of utility services.

For these purposes, a special electronic database was created to register the unemployed. The database is run by special commissions at the district administrations and executive committees.

On April 24, the Council of Ministers determined the list of utility services mentioned in the Decree. These services include hot water, gas and heat supply.

According to the Ministry of Labor and Social Protection, more than 500 thousand Belarusian citizens are currently included in the database.

Despite the significant differences between the old and the new versions of the Decree, the latter triggered sharp criticism from human rights and trade union organizations. First of all, it is due to the fact that the Act preserved the earlier logic of forcing people to work and stimulating their employment by threats of negative consequences, rather than by increasing salaries and social security standards. Moreover, just like the previous version of the Decree, the new text mentioned parents raising children over 7 years of age, people who lost their jobs and have been unemployed for more than 6 months, and other socially vulnerable categories of citizens, among the groups subject to the provisions of the Decree.

Of special concern is the provision allowing the unemployment commissions to send people to the LTPs in case they “lead an anti-social way of life.” Meanwhile, the concept of anti-social way of life itself is not formulated either in this or in any other legal act. It should be noted that the current legislation defines the judicial procedure of sending citizens to the LTPs. Therefore, human rights defenders fear that the authorities aim at establishing extra-judicial practices of detention in the LTPs, which will be based on the decisions of the newly formed commissions.

In addition, due to the certain flaws related to the database, it included some Belarusian citizens working and living abroad for more than 6 months during the year (non-residents of the Republic of Belarus), citizens who work in Belarus under civil contracts with individuals or foreign legal entities and individuals. In many cases, the updated database disregards information from the tax authorities related to persons who have declared their incomes and paid income tax. The situation is compounded by the fact that citizens, contrary to the Decree, are not notified in advance of being entered into the database.

A significant challenge for civil rights is the lack of guidance on the procedure for appealing against the unemployment commissions’ actions, including against decisions to enter a person in the database, as well as issues of confidentiality and security of personal data received.

During 2018, the authorities continued to use forced labor in its various forms. Despite the recommendations of several UN Committees and the ILO, the government continued to confine individuals suffering from alcoholism to the LTPs and bring them to compulsory labor as a means of re-socialization. For the same purpose, using threats of administrative detention and criminal responsibility, the authorities continued to involve so-called “obliged persons”, parents deprived of parental rights and ordered to reimburse the cost of maintenance of their children, in forced labor.

A separate type of forced labor, traditionally used in Belarus, is involving employees of government enterprises and institutions, as well as students, in harvesting agricultural products on state-owned farms. The orders of the local (regional and district) executive committees are of a binding character. The assignments are rarely registered or documented in violation of existing labor laws.

All appeals of the HRC "Viasna" to the prosecuting authorities and government bodies asking for investigations into the reports were unsuccessful. The prosecutor's offices refused to investigate the cases, forwarding the complaints to other institutions, while executive committees failed to inspect the claims on the merits. Harvesting also involved army conscripts. People were sometimes forced to work on their days off or as part of the so-called subbotniks (unpaid weekend labor), both national and local.

All these facts prove that the use of forced labor in Belarus is systemic and systematic.

XI. IMPLEMENTATION BY THE REPUBLIC OF BELARUS OF INTERNATIONAL OBLIGATIONS IN THE FIELD OF HUMAN RIGHTS

The UN Committee against Torture considered the fifth periodic report of Belarus at its meetings on April 27 and 30, 2018, and adopted concluding observations on the report. While positively assessing the fact of cooperation between Belarus and the United Nations treaty bodies, accessing to a number of international treaties, as well as some of the measures taken by Belarus to improve the situation in individual sectors, the Committee strongly criticized the situation with the protection of fundamental rights and the lack of progress in this direction. The Committee expressed deep concern at reports alleging the widespread nature of the practice of torture and ill-treatment and that even the authorities admitted that such reports are not followed by prompt, impartial and comprehensive investigations into these allegations and do not result in the prosecution of the alleged perpetrators.

The Committee drew attention to the need to improve legislation and law enforcement, strengthening the independence of the courts and the legal profession in Belarus.

On June 29, the Human Rights Center "Viasna" arranged a press conference to present a joint report entitled “Control over Lawyers Threatens Human Rights”, prepared by the Human Rights Center "Viasna", OMCT (World Organization Against Torture), FIDH (International Federation for Human Rights) and the Paris Bar Association. The report was the result of an international mission which visited Belarus in January 2018.

The mission delegation was composed of Mr. Basile Ader, Attorney at law, Vice President of the Paris Bar, Benoît Deniaud, Attorney at law, Member of the Paris Bar Council, Ms. Julia Ouahnon, Program Officer, Eastern Europe and Central Asia Desk, FIDH and Mr. Hugo Gabbero, Deputy Director of the Observatory for the protection of Human Rights Defenders, FIDH. The mission was invited to Belarus following the events of late 2017, when the Ministry of Justice ordered extraordinary re-evaluation of certain lawyers of the Minsk City Bar Association. Many of those who had to go through this certification were defenders in politically motivated criminal cases. Fearing a repeat of events in 2011, when a number of lawyers were denied licenses or excluded from the bar associations, it was decided to invite an international mission to study the problems of the independence of the legal profession and thus once again to bring them to an international level.

On October 8 and 9, during the 124th session of the UN Human Rights Committee in Geneva, the Belarusian delegation presented the fifth periodic report on the implementation of the International Covenant on Civil and Political Rights and the Optional Protocol to the Covenant. Belarus last reported to the Committee nearly 20 years ago; meanwhile, as a rule, the state should submit reports every four years. On October 25, the Committee adopted concluding observations on the report, which highlighted the importance of the Covenant and its place in the national legal system, expressed concern about the low level of awareness of the authorities of the Covenant. Belarus was criticized for not respecting the practice of the Committee to consider individual complaints about violation of the Covenant, failure to respond to the Views adopted by the Committee in cases of violations, as well as the absence of a national human rights institution. The UN body also mentioned numerous violations of human rights protected by the Covenant, and recommended to intensify the government's efforts to eradicate them.